

STATE WATER RESOURCES CONTROL BOARD EX PARTE COMMUNICATIONS REGARDING PENDING
GENERAL ORDERS DISCLOSURE FORM

1. Pending General Order that the communication concerned:

SWRCB/OCC File No. A-2239(a)-(c): State Water Board review of petitions challenging Central Valley Water Board Order R5-2012-0116, Waste Discharge Requirements General Order for Growers within the Eastern San Joaquin River Watershed that are Members of the Third-Party Group

2. Name, title and contact information of person completing this form:

Tess Dunham
Somach Simmons & Dunn
Counsel to East San Joaquin Water Quality Coalition
tdunham@somachlaw.com

3. Date and location of meeting, phone call, or other communication:

February 26, 2016, 9:00 am
State Water Resources Control Board, CalEPA Building

4. Type of communication (written, oral or both):

Oral communication during small stakeholder meeting.

5. Names of all participants in the communication, including all board members who participated:

Dorene D'Adamo, Board Member, State Water Resources Control Board
Darrin Polhemus, Deputy Director, Division of Financial Assistance; State Water Resources Control Board
Philip Wyels, Assistant Chief Counsel, State Water Resources Control Board
Emel Wadhwani; Senior Staff Counsel, State Water Resources Control Board

Jenny Moffitt, Deputy Secretary, California Department of Food and Agriculture

Parry Klassen, Executive Director, East San Joaquin Water Quality Coalition
Tess Dunham, Shareholder, Somach, Simmons & Dunn
Bill Brush, President, CEO, Ag Consulting
Wayne Zipser, Executive Manager, Stanislaus County Farm Bureau

6. Name of person(s) who initiated the communication:

Darrin Polhemus, Deputy Director, Division of Financial Assistance, State Water Board

7. Content of communication

State Water Board staff has reached out to stakeholders in the above matter to offer an opportunity to hear a presentation by staff on the content of the proposed order issued February 8, 2016, and to ask

clarifying questions. This meeting took place as a result of the staff stakeholder outreach effort and was joined also by Board Member D'Adamo by phone.

State Water Board staff's presentation was an overview of the revisions proposed to be made to the Eastern San Joaquin Agricultural General Waste Discharge Requirements by the proposed order. The presentation tracked the discussion in the proposed order.

The attendees asked a number of clarifying questions at the meeting. The questions generally focused on clarification regarding the interpretation and implementation of revisions proposed. In particular, attendees asked:

- Whether the A/R ratio is expected to become a regulatory target for purposes of enforcement;
- Whether the water boards are developing a statewide database to receive the proposed reportable data;
- Whether the State Water Board would consider a stay of existing WDR provisions to avoid stranded costs;
- Whether the State Water Board has conducted any analysis of the increase in staffing and fees for the agricultural community;
- Whether the State Water Board is concerned with misinterpretation or misuse of the proposed reportable data;
- How the State Water Board views the scope of the precedent that may be established with the proposed order, including whether the precedent will acknowledge regional geologic variation.

8. Copies of handouts, PowerPoint presentations and other materials used or distributed at the meeting:

There were no written materials distributed at the meeting.